UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,233	10/22/2001	Afshin Abtin	34647-00435USPT	7869

38065	7590	06/21/2005	

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EXAMINER
LE, DANH C

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
		10/038,233	ABTIN ET AL.
Office Action Summary		Examiner	Art Unit
		DANH C. LE	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 January 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-12,14-23 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *9-12 and 14* is/are allowed.

6)☒ Claim(s) *1-4,8 and 15-1820* is/are rejected.

7)☒ Claim(s) *5,6,19,20,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. <u>Claims 1-4, 8, 15-18, 21, 25 are rejected under 35 U.S.C. 103(a) as being</u>

   <u>unpatentable over Nykanen (6,594,483) in view of Robertson (6,609,106) and</u>

   <u>Thakker (US 2003/0064731).</u>

As to claim 1, Nykanen teaches a method for positioning of a user on the mobile

Internet (figure 5 and col.10, line 18-col.11, line 10), comprising the steps of:

receiving a request to position the user using a location based service (5-43);

accessing a location privacy proxy (5-35) to determine if the location based service

may position the user; and

positioning (5-33) the user based on the determination made by the location privacy

proxy.

Nykanen fails to teach generating a unique ID within the server for a request form an

untrusted application and associating the unique ID with the MSISDN of the user.

Robertson teaches generating a unique ID within the server for a request form an

untrusted application and associating the unique ID of the user (col.9, lines 6-22 and

lines 55-63). The combination of Nykanen and Robertson fails to teach associating the

unique ID with MSISDN.   Thakker teaches associating the unique ID with MSISDN

(paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to provide the teaching of Robertson and

Thakker into the system of Nykanen in order to protect profile information.

As to claim 2, Nykanen teaches the method of Claim 1, wherein the request is

received from a mobile portal (col.12, line 43-col.13, line 14).

As to claim 3, Nykanen teaches the method of Claim 1, wherein the request is

received from a WAP gateway (col.12, line 43-col.13, line 14).

As to claim 4, Nykanen teaches the method of Claim 1, wherein the request is

received from a positioning server (col.12, line 43-col.13, line 14).

As to claim 8, the combination of Nykanen and Robertson and Thakker further

teaches the method of Claim 7, wherein the step of positioning further comprises the

steps of attaching the unique ID of the user to a positioning request prior to positioning

the user (Robertson and Thakker, reciting above).   Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to provide

the teaching of Robertson and Thakker into the system of Nykanen in order to protect

profile information as Robertson and Thakker suggested (reciting above).

As to claim 15, Nykanen teaches a method for controlling positioning of a user on

the mobile internet (figure 5 and col.10, line 18-col.11, line 10), comprising the steps of:

receiving a request to position the user using a location based service (5-43);

accessing a location privacy proxy (5-35) to determine if the location based

service may position the user; and

positioning the user based on the determination made by the location privacy

proxy (5-37).

Nykanen fails to teach associating the unique ID with the MSISDN of the user

making the request, generating a unique ID within the location privacy proxy for a

request from an untrusted application and attaching the unique ID of the user to a

positioning request prior to positioning the user.   Robertson teaches generating a

unique ID within the server for a request form an untrusted application and associating

the unique ID of the user (col.9, lines 6-22 and lines 55-63). The combination of

Nykanen and Robertson fails to teach associating the unique ID with MSISDN.

Thakker teaches associating the unique ID with MSISDN (paragraph 0008). Therefore,

it would have been obvious to one of ordinary skill in the art at the time the invention

was made to provide the teaching of Robertson and Thakker into the system of

Nykanen in order to protect profile information.

As to claim 16, Nykanen teaches the method of Claim 15, wherein the request is

received from a mobile portal (col.12, line 43-col.13, line 14).

As to claim 17, Nykanen teaches the method of Claim 15, wherein the request is

received from a WAP gateway (col.12, line 43-col.13, line 14).

As to claim 18, Nykanen teaches the method of Claim 15, wherein the request is

received from a positioning server (col.12, line 43-col.13, line 14).

As to claim 21, Nykanen teaches a location privacy proxy (figure 5 and col.10,

line 18-col.11, line 10), comprising:

a first interface (5-45) for receiving positioning requests for a user;

a second interface (5-47, 5-41) for accessing location based services;

a third interface (5-33, 5-21) for accessing a positioning server; and

control logic (5-35, 5-37) configured to:

receive a request to position the user using a location based service (col.10, lines 18-43);

determine if the application may position the user (col.10, lines 18-43); and

position the user based on the determination made by the location privacy proxy using the positioning server (col.10, lines 18-43).

Nykanen fails to teach generating a unique ID within the server for a request form an untrusted application and associating the unique ID with the MSISDN of the user. Robertson teaches generating a unique ID within the server for a request form an untrusted application and associating the unique ID of the user (col.9, lines 6-22 and lines 55-63). The combination of Nykanen and Robertson fails to teach associating the unique ID with MSISDN. Thakker teaches associating the unique ID with MSISDN (paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Robertson and Thakker into the system of Nykanen in order to protect profile information.

As to claim 25, the limitation of the claim is the same limitation of claim 8; therefore, the claim is interpreted and rejected as set forth as claim 8.

Allowable Subject Matter

Claims 5, 6, 19, 20, 22, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-12, 14 are allowed.

As to claims 5, 6, 9, 19, 20, 22 and 23, the teaching of Nykanen, Robertson and Thakker either alone or in combination fails to teach determining if the location based service has previously positioned the user, if the location based service has not previously positioned the user, determining if the user manual: authorizes positioning by le location based service and storing an Indication of whether the location based service is authorized to position the user or determining if the location based service has previously positioned the user, if the location based service has previously positioned the user, accessing a user profile to determine if the user may be positioned if the user manually authorizes the positioning.

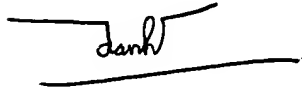Dependent claims 10-12, 14 are allowable for the same reason.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

June 16, 2005.
DANH CONG LE
PATENT EXAMINER